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Counsel for Plaintiffs
DSU Aviation, LLC, and
David Utterberg and Nayda Utterberg

**UNITED DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

DSU AVIATION, LLC, a Washington Limited
Liability Company, and DAVID UTTERBERG
and NAYDA UTTERBERG, as individuals and
on behalf of their marital community,

Plaintiffs,

vs.

PCMT AVIATION, a California Limited
Liability Company n/k/a XOJet, Inc., PAUL
TOUW, an individual, and WILL
LANGMANN, an individual,

Defendants.

Case No: C 07-cv-01478-SC

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND THE DEADLINE
FOR CONDUCTING EARLY NEUTRAL
EVALUATION**

STIPULATION

Whereas, this action, which was initially filed by Plaintiffs in the United States District Court for the Western District of Washington, was transferred from the Western District of Washington to the Northern District of California;

Whereas, on July 30, 2007 the case was referred to Early Neutral Evaluation (“ENE”) and the parties were given 90 days to hold the ENE session, which 90 days expires on October 29, 2007;

Whereas, on August 6, 2007, Plaintiffs filed a Second Amended Complaint;

Whereas, on August 27, 2007, Defendants filed a motion to dismiss Plaintiffs' Second Amended Complaint, which is scheduled to be heard on November 2, 2007;

Whereas, the parties were first notified that a neutral evaluator had been appointed on October 12, 2007, only 17 days before the current deadline for conducting the ENE session; and

Whereas, the parties believe that the ENE session will be more productive if it is held after the Court rules on Defendants' motion to dismiss;

THEREFORE THE PARTIES STIPULATE AND AGREE THAT the deadline for completing the ENE session shall be extended from October 29, 2007 to December 31, 2007.

DATED: October 15, 2007 KASOWITZ, BENSON, TORRES & FRIEDMAN, LLP

By: /S/ Christopher J. McNamara
CHRISTOPHER J. MCNAMARA
Counsel for Plaintiffs

DATED: October 15, 2007 MORGAN, LEWIS & BOCKIUS, LLP

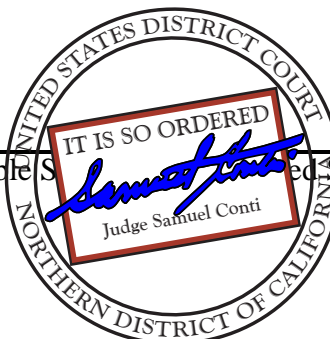
By: /S/ Jami Wintz McKeon
JAMI WINTZ MCKEON
Counsel for Defendants

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT the deadline for completing the Early Neutral Evaluation session is hereby extended from October 29, 2007 to December 31, 2007.

DATED: October 18, 2007

Honorable S  States District Judge



Whereas, on August 27, 2007, Defendants filed a motion to dismiss Plaintiffs' Second Amended Complaint, which is scheduled to be heard on November 2, 2007;

Whereas, the parties were first notified that a neutral evaluator had been appointed on October 12, 2007, only 17 days before the current deadline for conducting the ENE session; and

Whereas, the parties believe that the ENE session will be more productive if it is held after the Court rules on Defendants' motion to dismiss;

THEREFORE THE PARTIES STIPULATE AND AGREE THAT the deadline for completing the ENE session shall be extended from October 29, 2007 to December 31, 2007.

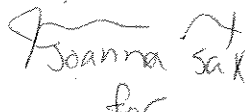
DATED: October 15, 2007

KASOWITZ, BENSON, TORRES & FRIEDMAN, LLP

By: /S/ Christopher J. McNamara
CHRISTOPHER J. MCNAMARA
Counsel for Plaintiffs

DATED: October 15, 2007

MORGAN, LEWIS & BOCKIUS, LLP


for
By: /S/ Jami Wintz McKeon
JAMI WINTZ MCKEON
Counsel for Defendants

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT the deadline for completing the Early Neutral Evaluation session is hereby extended from October 29, 2007 to December 31, 2007.

DATED: October ___, 2007

Honorable Samuel Conti, United States District Judge